Form North Dakota Office of State Tax Commissioner



# 40 Lor Corporation income tax return

2006

		ndar Year January 1, 2006, through December 31, 2006			
_	Fisca	l Year beginning, 2006 and ending		,	
	Is an extension	Please Use Mailing Label (If none, type or print) Name		Federal employe	er identification no.
-	e attached? Tes No	Name		>	
1		Mailing address		Is this a farming or	manahina aamanatian?
		Mailing address		➤ Yes	ranching corporation?
>	Final return	City, State, Zip Code Phone number	<del></del>	Business code (	from federal return)
_	Yes No			>	
T	Computation	of tax liability			
1		k the ONE box that identifies the filing method - see instructions):		Round	off to dollars
	a.	b. b1. b2. c. c1.	d.		
>	Single	Combined 100% ND Apportioning Corp Water's Edge Water's Edge Mo		ier (LA) 1	
2		port Method Consol. Return Consol. Return Method Consol. Return er amount from Schedule SA, line 9)			
				(LB) 2	
3 4		Enter amount from Schedule SA, line 18)tionable income (Subtract line 3 from the sum of lines 1 and 2)			
5		tor (Factor from Schedule FACT or CR)			
		to North Dakota (line 4 multiplied by line 5)		_	
	• •	North Dakotaless related expenses			
		ne (Add lines 6 and 7)		(LG) 8	
9	Exemption for new	and expanding business (Attach worksheet - for consolidated return, amount from	n Sch. CR)		
10	Renaissance zone in	come exemption (Amount from Sch. RZ - for consolidated return, amount from	Sch. CR)	(RE) 10	
11	ND income after inc	come exemptions (Subtract lines 9 and 10 from ln. 8)			
		arryforward (Attach worksheet - for consolidated return, amount from Sch. CR)		(LH) 12	
		e income (Subtract line 12 from line 11)			
		rates below)			
		ge method election (3.5% of line 13)			
16		income tax due (Add lines 14 and 15)		(LJ) 16	
17	Tax credits	mount from Schedule TC, line 16)		(0.7) 4.7	
' '				(AZ) 17	
10		or overpayment . (Subtract ln. 17 from ln. 16) (Corp. filing a consol. rtn., enter amt. from Sch. C	D Dant 1 1	10 <sub>m</sub> ) 10	
		ome tax payments and payment with extension		,	
		than line 19, enter difference as BALANCE DUE (Enter \$0 if less than \$5)			
20	_	lty for Balance Due on line 20		(LQ) 20a	_
	1	payment of estimated tax (Attach Form 40-UT)			
		Oue (Add lines 20, 20a and 20b - Pay to North Dakota State Tax Commissioner)			
		to be made by Electronic Funds Transfer, check this box and enter date			
21		than line 18, enter difference less line 20b as OVERPAYMENT (Enter \$0 ij			
۱ ک		1 to be credited to 2007 est. tax (Min. \$5) (Apply to quarter 1st 2nd 3rd 4th			
		21 to be <b>Refunded</b> (Subtract line 21a from line 21. No refund under \$5)			
I de		North Dakota Century Code § 12.1-11-02, which provides for a Class A misdemeanor for making a false			
		ying schedules and statements, has been examined by me and to the best of my knowledge and belief is a		,	I authorize the
Б	4	Simple of Officers			North Dakota
Dat	te:	Signature of Officer: Title:			Office of State
Dat	te:	Signature of Preparer: Address:			Tax Commissioner to discuss this
		Tax Commissioner, 600 E. Boulevard Ave., Dept. 127, Bismarck, North Dal			tax return with
				NOT WRITE IN T	the preparer.
	\$ 0 to \$ 3,0	Tax Rate Table  On - 2.60% of North Dakota taxable income (line 13)	LEASE DU I	INOI WRITE IIN I	III 3 SPAUE
	\$ 3,000 to \$ 8,00	00 \$ 78.00 plus 4.10% of excess over \$ 3,000			
		00\$ 283.00 plus 5.60% of excess over \$ 8,000 plus 6.40% of excess over \$20,000			
		\$1,595.00 plus 7.00% of excess over \$30,000 "Buy North Dakota Products"			1

# North Dakota Office of State Tax Commissioner

# 2006 Form 40, page 2





Schedule SA: Statutory adjustments	
This schedule is to be used by all corporations regardless of filing method.	
Additions	_ (CA) 1
<ul> <li>1 Federal net operating loss deduction (Federal Form 1120, line 29a or Federal Form 1120-A, line 25a)</li> <li>2 Special deductions (Federal Form 1120, line 29b or Federal Form 1120-A, line 25b)</li> </ul>	
3 All income taxes, franchise or privilege taxes measured by income, which were deducted to determine	. (ОВ) 2
federal taxable income	(CC) 3
4 North Dakota depreciation adjustment	(CE) 4
5 Interest on state and local obligations (Excluding North Dakota obligations)	
<b>6</b> Other additions ( <i>Attach worksheet</i> )	·
7 Domestic production activity income	
8 Extraterritorial income	• •
9 Total additions (Add lines 1 through 8. Enter amount here and on Form 40, page 1, line 2)	9
Subtractions	
10 Tax refunds received in 2006 (Attach worksheet)	
11 Interest on United States obligations (Attach statement regarding obligations)	
13 Allocable income (Attach worksheet) (LS) 13	
<b>14</b> Related expenses ( <i>Attach worksheet</i> ) (LT) <b>14</b>	
<b>15</b> Balance (Subtract line 14 from line 13)	
16 Interest on bonds issued by a regional railway authority in North Dakota	
<b>17</b> Other subtractions (Attach worksheet)	
<b>18</b> Total subtractions (Add lines 10, 11, 12, 15, 16, and 17. Enter amount here and on Form 40, page 1, line 3)	_ 18
The following questions must be answered	Yes No
1 Has the IRS issued a Final Determination which affects any previously filed North Dakota return?	<b>≻</b> 1
2 If the answer to the above question is yes, have all such adjustments been reported to North Dakota?	<b>▶2</b>
3 Has Form 1120S been filed for federal purposes? If yes, file North Dakota Form 60, not a North Dakota	Form 40. > 3
4 Is this return for a tax-exempt organization required to report unrelated business taxable income?	<b>&gt;</b> 4
5 Has this corporation filed as a cooperative, a Foreign Sales Corporation, or a Domestic International Sales Corporation for federal purposes?	<b>. &gt;</b> 5
6 Does this corporation use the combined report method in any other states? If yes, attach a statement show all states where the combined report method is used.	_
7 Does this corporation file its federal income tax return as a member of a consolidated group? If yes, please enter the Federal Employer I.D. No. under (AM)	<b>&gt;</b> 7
<b>8</b> Does the numerator of the apportionment factor on page 1, line 5 include the property, payroll and/or sale more than one corporation required to file in this state? If yes:	s of
• Filing method box on page 1, line 1 must have been checked b1, b2, or c1.	
<ul> <li>How many corporations are included in the numerator?</li> </ul>	
Complete North Dakota Schedule CR, Parts I, II and III reporting the activities of each company apportioning income to North Dakota.	
	▶8
9 Is this a limited liability company?	
<ul><li>9 Is this a limited liability company?</li><li>10 Is this a Renaissance Fund Organization for purposes of N.D.C.C. ch. 40-63, Renaissance Zones?</li></ul>	≻9
	≻9



Name as shown on return Federal employer I.D.

# Schedule FACT: Apportionment factor for corporations not filing a consolidated state return

This schedule is to be used for corporations not filing a consolidated tax return, i.e., only corporations using filing method a, b, c, or d on page 1, line 1 are to use this schedule.

Corporations filing a consolidated North Dakota tax return, i.e., those corporations using filing method b1, b2, or c1 on page 1, line 1, use Schedule CR, Part II -- do not use this schedule.

Property Factor: Average value at original cost of real and tangible personal property used in the business. (Exclude value of construction in prog.		2. North Dakota	3. Factor
1 Inventories	,		(Use 6-digit
2 Buildings and other fixed depreciable assets			decimal only)
3 Depletable assets			- - (North Dakota divided
4 Land			
5 Other assets (Attach detail)			
6 Rented property (Annual rental capitalized x 8)			-
7 Total Property (Add lines 1 through 6)		(BA)	_ _(BB)
Payroll Factor:			
<b>8</b> Wages, salaries, commissions and other compensation of employees which were included in the Federal Form 1120, or Federal Form 1120-A.			
(If the amount reported in Column (2) does not agree with the total compensation reported for North Dakota unemployment insurance purposes, attach an explanation)	8	(BC)	(BD)
Sales Factor:			
<b>9</b> Gross receipts or sales, less returns and allowances (Federal Form 1120 or Federal Form 1120-A, line 1c)	9		
10 Sales delivered or shipped to North Dakota destinations		10	_
11 Sales shipped from North Dakota to:		44-	
<ul><li>(a) The United States Government</li><li>(b) Purchasers in a state or foreign country where the taxpayer was not subject to a net income tax or a tax measured by</li></ul>		_ 11a <u> </u>	-
net income or, if subject, did not actually pay such tax		11b	_
<b>12</b> Total sales (Add lines 9 through 11)			
<b>13</b> Sum of factors (Add lines 7, 8 and 12)			. 13
<b>14</b> Divide line 13 by the number of factors having an amount greater the (enter factor here and on Form 40, page 1, line 5)			(BG)



Name as shown on return Federal employer I.D.

#### **Schedule TC: Tax credits**

This schedule is to be used by all corporations regardless of filing method.

Corporations filing a consolidated North Dakota tax return, i.e., those corporations using filing method b1, b2, or c1 on page 1, line 1, report each corporation's separate credits on Schedule CR, Part I, line 17 under each corporation's separate column, and on Schedule CR, Part III - Tax Credits. Report the total credit(s) here.

1 Credit for contributions to nonprofit private colleges	(LK) 1
2 Credit for contributions to nonprofit private high schools	(LL) 2
3 Venture capital corporation credit	(LU) 3
4 North Dakota Small Business Investment Company	(LW) 4
5 Geothermal, solar or wind energy device tax credit (Attach worksheet)	(LM) 5
6 Credit for employment of the developmentally disabled or chronically mentally ill	(LX) 6
7 Credit for research and experimental expenditures within North Dakota (Attach worksheet)	(LY) 7
8 Tax credit for new industry (Attach worksheet)	(AK) 8
9 Credit for payment to a certified nonprofit development corporation	(AG) 9
10 Renaissance zone tax credit(s) (Enter amount from Schedule RZ)	(RC) 10
11 Credit for biodiesel fuel production (Attach worksheet)	(LO) 11
12 Credit for seed capital business investment (Attach worksheet from page 8 of instructions)	(TS) 12
13 Credit for blending biodiesel fuel (Attach worksheet)	(TD) 13
14 Credit for biodiesel fuel sales equipment costs (Attach worksheet)	(TF) 14
<b>15</b> Agricultural commodity processing facility investment tax credit (Attach worksheet from page 9 of instructions)	(TE) 15
<b>16</b> Total tax credits (Add lines 1 through 15. Enter amount here and on Form 40, page 1, line 17)	16

#### Schedule WW: Combined report method income schedule

This schedule is to be used by all corporations using filing methods b, b1 or b2 on Page 1, Line 1.

1	Federal taxable income (consolidated Federal Form 1120, line 30)	(LA) 1		_	
2	Taxable income or loss included on line 1 from <b>nonunitary</b> corporations (Attach worksheet)	(WN) 2		_	
3	Balance (Subtract line 2 from line 1)			3	
	Taxable income or loss not included on line 1 from <b>unitary</b> corporations required to file a federeturn (Attach worksheet)	ral income tax		4	
5	Book income before income taxes of unitary foreign corporations (Attach worksheet)	5		-	
6	Optional: Book to tax reconciliation (Attach worksheet)	6		-	
7	Subtotal (Add lines 5 and 6)		(WF)	7	
8	Income or loss from Interest Charge DISC (Attach worksheet)	8		-	
9	Income or loss from Foreign Sales Corporations (Attach worksheet)	_         9		-	
10	Subtotal (Add lines 8 and 9)			10	
11	Income or loss from Internal Revenue Code of 1986, as amended, Section 936 Possession Corp	porations		11	
12	Intercompany eliminations for members of the unitary group (Attach worksheet)			12	
13	3 Total income (Add lines 3, 4, 7, 10 and 11 then subtract line 12. Enter amount here and on line 1, and check box b, b1, or b2 on Form 40, page 1, line 1)	Form 40, page 1,	(WW)	13	

### North Dakota Office of State Tax Commissioner

#### 2006 Form 40, page 5

Name as shown on return Federal employer I.D.

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Scho	dule WE: Water's edge method income schedule			
1 ] 2	Federal taxable income (consolidated Federal Form 1120, line 30) (LA)  Income or loss not included in line 1 from affiliated corporations required to file a federal income tax return	) 1 _ 2 _		Worksheets containing details of lines 2, 3, 4 and 5 are required
	Reversal of intercompany eliminations between water's edge corporations and non-water's edge corporations (Attach worksheet)	3 _		
4 ]	Intercompany eliminations for water's edge group corporations	4 _		
5 7	Total foreign dividends included in line 1	5 _		
6 7	Taxable income or loss included in line 1 or 2 from 80/20 corps.	6_		
<b>7</b> I	Balance (Add lines 1, 2 and 3 then subtract lines 4, 5 and 6)		<b>7</b>	
8 I	Foreign dividends to be included in water's edge income (Multiply line 5 by 30%) (See general definitions	·)	8	
<b>9</b> ]	Total net book income of 80/20 corporations (Attach worksheet)	9_		
10	Net book income of 80/20 corporations to be included in water's edge income (Multiply line 9 by 30%)		10	
	Total water's edge income (Add lines 7, 8 and 10. Enter amount here and on Form 40, page 1, line 1, and check box c or c1 on Form 40, page 1, line 1)		(WE) 11	

#### Water's edge method election instructions

A corporation required to file its North Dakota return using the worldwide unitary combined report method must do so unless it elects to apportion its income using the water's edge method.

A corporation elects and maintains the water's edge method election by checking the box entitled "Water's Edge Method" on page 1, line 1, and completing Schedule WE.

A corporation electing the water's edge method must comply with all of the following:

• The election must be made on the return as originally and timely filed;

- The water's edge election is binding for five consecutive taxable years upon making the election; and
- The corporation must file with the Tax Commissioner a domestic disclosure spreadsheet the first year the property, payroll, or sales in foreign countries exceed ten million dollars and total assets exceed two hundred fifty million dollars and every third year thereafter provided the property, ayroll, or sales in foreign countries exceed ten million dollars and total assets exceed two hundred fifty million dollars. The domestic disclosure spreadsheet must be filed by a corporation with its North

Dakota income tax return. However, if the information is not available when the return is filed, a corporation may file the spreadsheet within six months after the due date of the return, including any extensions. The form for complying with the spreadsheet requirement must be obtained from the Office of State Tax Commissioner.

A corporation electing the water's edge method must include only the apportionment factors and statutory adjustments of the water's edge group.

#### Schedule WE general definitions

"Water's edge group" includes affiliated corporations incorporated in the U.S., excluding 80/20 corporations, affiliated corporations incorporated in a possession of the U.S., DISCs, FSCs, export trade corporations and foreign affiliated corporations which meet a defined minimum of U.S. activity.

"Affiliated corporation" means a parent corporation and any corporation of which more than fifty percent of the voting stock is owned directly or indirectly by the parent corporation or another member of the water's edge group.

"Reversal of intercompany eliminations between water's edge corporations and 80/20 corporations" means the reversal of eliminations made between water's edge corporations and 80/20 corporations that are included in the federal consolidated return. Dividends, interest, royalties, capital gains and losses, intercompany profit on sales,

etc. between water's edge corporations and 80/20 corporations that have been eliminated in preparing the consolidated federal return must be reversed.

"Intercompany eliminations for water's edge group corporations" are eliminations of intercompany transactions between companies included in line 1 and companies included in line 2.

"80/20 corporation" is a corporation that is incorporated in the U.S., is eligible to be included in the federal consolidated return as defined in N.D.C.C. § 57-38.4-01(5) and has eighty percent of its average property and payroll assigned to locations in foreign countries.

"Foreign dividends" means any dividend received by a member of the water's edge group from any affiliated corporation incorporated outside the fifty states and District of Columbia, including amounts included in income computed under sections 951 through 954 of the Internal Revenue Code (IRC) of 1986, as amended. IRC section 78 gross up is not a foreign dividend.

"Net book income of an 80/20 corporation" means net book income for financial statement purposes. However, a corporation's net book income cannot be offset by a net book loss from another 80/20 corporation.

"Rescission of a water's edge election". A corporation's water's edge election is rescinded if:

- It has had more than 50% of its voting stock acquired by a nonaffiliated corporation;
- It was formed as the result of a reorganization or spinoff and is no longer a member of the water's edge group; or
- It is completely liquidated. The water's edge election of any corporation receiving liquidated assets is not affected.





Schedule CR, Part I:	Comput	ation of tax due for corpor	ations include	ed in a No	rth Dakota conso	olidated return
•	ooration	Name of corporation			Federa	ıl Employer I.D.
ist only corporations apportioning income to	A >				>	
lorth Dakota (i.e., nclude only companies	_				_ <b>&gt;</b>	
naving a factor greater han -0- in North	B <b>➤</b>					
Dakota)	С					
			Corpora	ition A	Corporation B	Corporation C
			(nam	ne)	(name)	(name)
			FEI	N	FEIN	FEIN
			Fed. Busin	ess Code	Fed. Business Code	Fed. Business Code
		e (Enter amount in Columns A, B & C fr				
		from part II, line 15)			J [_]=[	J [
6 Income apportioned to	North Dake	ota (line 4 multiplied by line 5)	6			
7 Income allocated to No	orth Dakota	\$ less related				
expenses \$			(LF) 7			
8 North Dakota income	(Add lines 6 a	nd 7)	. (LG) 8			_
<b>9</b> Exemption for new and	d expanding	business (Attach worksheet)	_ (CL) 9			
10 Renaissance zone inco	me exemption	on	(RE) 10			-
11 ND income after income	me exemptio	ns (Subtract lines 9 and 10 from line 8)	11			
12 North Dakota loss car	ryforward (A	ttach worksheet)	(LH) 12		_	
<b>13</b> North Dakota taxable	income (Sub	tract line 12 from line 11)	(LI) 13		_	
<b>14</b> Income tax due (See ta	x rate table o	n Form 40, page 1)			_	
15 Surtax on water's edge	e method ele	ction (3.5% of amount on line 13)				
		e (add lines 14 and 15)			_	
17 Tax credits (Enter each Part III, line 16)	h company's sh	hare of credits from Schedule CR,				
		ne 17 from line 16)				
		s on line 18, for all corporations. Enter				

#### Instructions for consolidated return using the combined report method

All corporations filing a consolidated North Dakota return (i.e. unitary groups including more than one company on this return) must complete the two parts of Schedule CR and attach the completed schedule to Form 40 when filed.

here and on Form 40, page 1, line 18 and complete lines 19 through 21, on

Space has been provided for three corporations (corporations A, B & C) having activity within North Dakota. If space is needed for additional corporations having activity within North Dakota, additional copies of Schedule CR can be obtained by

photocopying both parts of this original schedule or by printing additional copies from our web site.

Complete Form 40, page 1, lines 1-4 before starting to complete Schedule CR, part I.

Schedule CR has been designed so the instructions for Form 40 in the booklet also apply to the line numbers on Schedule CR. For example, the instructions for Form 40, page 1, lines 6-18 also apply to Schedule CR, part I, lines 6-18.

After completing Schedule CR, part I, certain totals must be entered on Form 40. For each line 6, 7, 9, 10, 12, 14, 15, 16 and 17, total the amounts for all corporations included on Schedule CR, part I. Enter the total from lines 7 onto line 7 of Form 40, page 1; enter the total from lines 9 onto line 9 of Form 40, page 1; and so forth for all lines through 17.

(GA) 18a



Name as shown on return Federal employer I.D.

# Schedule CR, Part II: Computation of factor for corporations filing a North Dakota consolidated return using the combined report method

(Use 6-digit decimal only)

	9	-		accimai oniy)
Property Factor:		Nor	th Dakota Average Prop	perty ———
Average value at original cost of real and tangible personal property used in the business. (Exclude value of construction in progress)	Everywhere Average Property of	Corporation A	Corporation B	Corporation C
	All Corporations Being Combined	(name)	(name)	(name)
Average Property:				
<b>1</b> Inventories	1	FEIN	FEIN	FEIN
2 Buildings and other depreciable assets				
3 Depletable assets				
4 Land	_			
5 Other assets (attach detail)				
6 Rented property (annual rental capitalized x 8)				
7 Total average property (Add lines 1 through 6)				
<b>7a</b> Property factor (Divide N.D. total average property) everywhere average property)	oy ioiai (XA) 7a <sub>i</sub>		·	
<b>7b</b> Total property factor (Add amounts on line 7a, colum	nns A, B & C)		(BB) 7b	<b></b>
Payroll Factor:				
Wages, salaries, commissions and other	Everywhere Payroll		– North Dakota Payroll	
compensation of employees which were included in the Federal Form 1120 or Federal Form 1120-A.	All Corporations Being Combined	Corporation A	Corporation B	Corporation C
<b>8</b> Payroll	8			
8a Payroll factor (Divide total ND payroll by total ever	wwhere payroll) (XB) 8a			
<b>8b</b> Total payroll factor ( <i>Add amounts on line 8a, colum</i>				
Total payron factor (Mad amounts on time od, Column	ns n, b & c)		(==, ==	
Sales Factor:				
Gross receipts or sales, less returns and allowances	Everywhere Sales All Corporations			
from Federal Form 1120 or Federal Form 1120-A, line 1 (c).	Being Combined	_	- North Dakota Sales -	
		Corporation A	Corporation B	Corporation C
<b>9</b> Everywhere sales				
<b>10</b> Sales delivered or shipped to North Dakota destinate	ions 10			-
<ul><li>11 Sales shipped from North Dakota to:</li><li>(a) The United States Government</li></ul>	11a		<u> </u>	
(b) Purchasers in a state or foreign country where t subject to a net income tax or a tax measured b subject, did not actually pay such tax	y net income, or if			
<b>12</b> Total Sales (Add lines 9 through 11b)				
13a Sales Factor (Divide total ND sales by total everywl				
13b Sales Factor (Add amounts on line 13a, columns A,				
14 Sum of the factors (Add lines 7a, 8a and 13a)	,			
15 Apportionment Factor (Divide line 14 by the numb				
having an amount greater than zero in the everywhe	re column on			
lines 7, 8 and 12)				L-L
<b>15a</b> Total factor (Add amounts on lines 7b, 8b and 13b. here and on Form 40, page 1, line 5)				



Name as shown on return Federal employer I.D.

# Schedule CR, Part III: Tax credits for corporations filing a North Dakota consolidated return using the combined report method

		Corporation A	Corporation B	Corporation C
	_	(name)	(name)	(name)
	_	FEIN	FEIN	FEIN
Credit for contributions to nonprofit private colleges	(LK) 1			
2 Credit for contributions to nonprofit private high schools	(LL) 2			
3 Venture capital corporation credit	(LU) 3			
4 North Dakota Small Business Investment Company	(LW) 4			
<b>5</b> Geothermal, solar or wind energy device tax credit ( <i>Attach worksheet</i> )	_ (LM) 5			
6 Credit for employment of the developmentally disabled or chronically mentally ill	(LX) 6			
7 Credit for research and experimental expenditures within North Dakota (Attach worksheet)	(LY) 7			
8 Tax credit for new industry (Attach worksheet)	(AK) 8			
<b>9</b> Credit for payment to a certified nonprofit development corporation	_ (AG) 9			
<b>10</b> Renaissance zone tax credit(s) (Enter amount from Schedule RZ)	_ (RC) 10			
11 Credit for biodiesel fuel production (Attach worksheet)	(LO) 11			
<b>12</b> Credit for seed capital business investment (Attach a copy of worksheet from page 8 of instructions)	(TS) 12			
13 Credit for blending biodiesel fuel (Attach worksheet)	(TD) 13			
<b>14</b> Credit for biodiesel fuel sales equipment costs (Attach worksheet)	(TF) 14			
<b>15</b> Agricultural commodity processing facility investment tax credit (Attach a copy of worksheet from page 9 of instructions)	_ (TE) 15			
<b>16</b> Total tax credits (Add lines 1 through 15. Enter amount here and on Schedule CR, line 17)	16			